

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

SANDRA LOUISA REES,

Plaintiff,

vs.

No. 2:20-cv-00575-KWR-LF

KILOLO KIJAKAZI,<sup>1</sup>  
Commissioner of the Social Security  
Administration,

Defendant.

**ORDER GRANTING UNOPPOSED MOTION FOR ATTORNEY FEES  
PURSUANT TO THE EQUAL ACCESS TO JUSTICE ACT**

The Court, having reviewed the parties' Unopposed Motion for Attorney Fees Pursuant to the Equal Access to Justice Act ("EAJA"), 28 U.S.C. § 2412 (Doc. 32), **HEREBY ORDERS** that attorney fees be, and hereby are, awarded under the EAJA, payable to Plaintiff but mailed to Plaintiff's attorney in the amount of \$8,000.30 in attorney fees. *See Astrue v. Ratliff*, 560 U.S. 586 (2010) (EAJA fees are paid to the prevailing party, not the attorney).

**IT IS FURTHER ORDERED THAT** if Plaintiff's counsel receives attorney fees under both the EAJA and 42 U.S.C. § 406(b) of the Social Security Act, Plaintiff's counsel shall refund the smaller award to Plaintiff pursuant to *Weakley v. Bowen*, 803 F.2d 575, 580 (10th Cir. 1986).

**IT IS SO ORDERED.**

  
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KEA W. RIGGS  
UNITED STATES DISTRICT JUDGE

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<sup>1</sup> Kilolo Kijakazi was appointed Acting Commissioner of the Social Security Administration on July 9, 2021.

**SUBMITTED AND APPROVED BY:**

*Filed Electronically 3/2/2022*

Laura J. Johnson  
Attorney for Plaintiff  
Michael Armstrong Law Office, LLC

*Electronically Approved 3/2/2022*

Marc Thayne Warner  
Assistant Regional Counsel  
Office of the General Counsel  
Social Security Administration, Region VIII